

JM17 Rec'd PTO/PTO 25 APR 2001
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| FORM PTO-1390 US DEPARTMENT OF COMMERCE REV. 5-93PATENT AND TRADEMARK OFFICE | | ATTORNEYS DOCKET NUMBER P01,0087 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/786,210 |
| INTERNATIONAL APPLICATION NO. PCT/EP99/06309 | INTERNATIONAL FILING DATE 27 August 1999 | PRIORITY DATE CLAIMED 28 August 1998 |
| TITLE OF INVENTION METHOD AND APPARATUS FOR ADAPTING A TRANSMISSION POWER TO THE TRANSMISSION QUALITY OF A TRANSMISSION CHANNEL | | |
| APPLICANT(S) FOR DO/EO/US JOSEF EICHINGER ET AL. | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none">1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay.4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.5. <input type="checkbox"/> A copy of International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).b. <input type="checkbox"/> has been transmitted by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).b. <input type="checkbox"/> have been transmitted by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> Copy of Specification and substitute pages attached to the Declarationb. <input checked="" type="checkbox"/> Copy of Notice to file missing parts attached to Declarationc. <input checked="" type="checkbox"/> A change of address letter attached to the Declaration10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| Items 11. to 16. below concern other document(s) or information included: | | |
| <ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; (PTO 1449, Prior Art, Search Report, References).12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. (SEE ATTACHED ENVELOPE)13. <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.14. <input type="checkbox"/> A substitute specification and substitute specification mark-up.15. <input checked="" type="checkbox"/> Other items or information:<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> EXPRESS MAIL #EL 843728331US dated April 25, 2001 | | |

04/30/2001 LLANDGRA 00000078 09786210

01 FC:154

130.00 DP

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)
09/786,210

INTERNATIONAL APPLICATION NO.
PCT/EP99/06309

ATTORNEY'S DOCKET NUMBER
P01,0087

17. The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):

Search Report has been prepared by the EPO or JPO \$860.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$690.00

No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$710.00

Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1000.00

International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

\$ 130.00

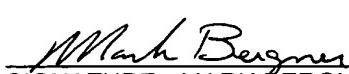
| Claims | Number Filed | Number Extra | Rate | | |
|--|--------------|--------------|--------------------------------------|-----------------------|----|
| Total Claims | - 20 = | 0 | X \$ 18.00 | \$ | |
| Independent Claims | - 3 = | 0 | X \$ 80.00 | \$ | |
| Multiple Dependent Claims | | | \$270.00 + | \$ | |
| | | | TOTAL OF ABOVE CALCULATIONS = | \$ 130.00 | |
| Reduction by 1/4 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28) | | | | \$ | |
| | | | SUBTOTAL = | \$ 130.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). + | | | | \$ | |
| | | | TOTAL NATIONAL FEE = | \$ | |
| Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property + | | | | \$ | |
| | | | TOTAL FEES ENCLOSED = | \$ 130.00 | |
| | | | | Amount to be refunded | \$ |
| | | | | charged | \$ |

- a. A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1519. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6473



SIGNATURE - MARK BERGNER

45,877

Registration Number

CUSTOMER NUMBER 26574



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/786210 | EICHINGER | J P01,0087 |
| INTERNATIONAL APPLICATION NO. | | |
| PCT/EP99/06309 | | |
| I.A. FILING DATE | PRIORITY DATE | |
| 27 AUG 99 | 28 AUG 98 | |

DATE MAILED:

09 APR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee. Indication of Small Entity Status.
 Copy of the international application. Translation of the international application into English.
 Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
 Copy of Article 19 amendments. Other:
 Priority Document.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917
 PTO-875

Notice of Defective Translation
 PCT/DO/EO/920

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

CERTIFICATE OF MAILING BY EXPRESS MAIL APR 25 2001

Express Mail Mailing Label Number EL 843728331 US

Date of Deposit: April 25, 2001

I hereby certify that this correspondence is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10(c) on the date indicated above and is addressed to:

**BOX PCT
Assistant Commissioner for Patents
Washington DC 20231**

Case Number: **P01,0087**
Applicant(s): **Josef Eichinger et al.**

International Application No. **PCT/EP99/06309**
International Filing Date **27 AUGUST 1999**
Priority Date Claimed **28 AUGUST 1998**

Title: **METHOD AND APPARATUS FOR ADAPTING A TRANSMISSION POWER
TO THE TRANSMISSION QUALITY OF A TRANSMISSION CHANNEL**

Enclosed are the following documents:

Missing Parts:

Executed Declaration;
Copy of Specification and amended pages;
Change of Address of Applicants Representative;
Copy of Notice to File Missing Parts;
PTO 1390 in duplicate;
Fee: \$130.00

Postcard.

Executed Assignment;
PTO 1595;
Fee: \$40.00
(Attached in a separate envelope)

Postcard.



Signature of person mailing documents and fees